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11 Creditor and Real Party in Interest

12 UNITED STATES BANKRUPTCY COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SANTA ROSA DIVISION

16 In re:

17 FLOYD E. SQUIRES III AND  
18 BETTY J. SQUIRES,

19 Debtors.

CASE NO. 17-10828 WJL 11

Chapter 11

**CITY OF EUREKA'S RESPONSES TO  
DEBTORS' REQUEST FOR PRODUCTION, SET ONE**

Judge: Hon. William Lafferty

21 PROPOUNDING PARTY:

DEBTORS FLOYD E. SQUIRES, III and  
22 BETTY J. SQUIRES

23 RESPONDING PARTY:

CITY OF EUREKA

24 SET NUMBER:

ONE

25  
26  
27  
28  
EXHIBIT **D.**

1                                   **RESPONSE TO REQUESTS FOR PRODUCTION**

2                                   **Objection to Production of Electronically Stored Information Without Entry Of An**  
3                                   **Order Under Federal Rule Of Evidence 502(d)**

4           The City of Eureka ("City") objections to the production of any electronically stored infor-  
5 mation ("ESI") in the absence of the entry of an order under Federal Rule of Evidence ("FRE") 502(d).  
6 To avoid unnecessary delay, in advance of the service of this Response to Debtors' Requests for Pro-  
7 duction of Documents on March 16, 2018, the City provided to Debtors counsel a proposed form of  
8 FRE 502(d) Stipulation and Order. Once the parties have an agreed form of Stipulation and Order  
9 submitted to the Court, the City will produce ESI as described herein.

10 **REQUEST FOR PRODUCTION NO. 1:**

11           Any and all documents PERTAINING TO building permits issued by the CITY relating to  
12 each and every NUISANCE PROPERTY from and after the appointment of the RECEIVER.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

14           Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
15 The request is overbroad in time in so far as it seeks documents "from and after the appointment of  
16 the RECEIVER." Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined  
17 term but the request seeks "documents". The request is so broad that it may impermissibly seek at-  
18 torney client privileged communication or attorney work product and responding party interprets the  
19 request so as not to seek such documents.

20           Subject thereto and without waiving the foregoing objections, responding party respond as  
21 follows: Records kept by responding party relating to the Debtors' properties are located in file  
22 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
23 permit requesting party access to the file drawers during regular business hours and at times agreed  
24 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
25 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
26 frames (all selected by responding party) and will produce such non-privileged responsive docu-  
27 ments as fixed images.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 Any and all documents PERTAINING TO final inspections of works of improvements to the  
3 NUISANCE PROPERTIES by the CITY from and after appointment of the RECEIVER.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

5 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
6 The request is overbroad in time in so far as it seeks documents "from and after the appointment of  
7 the RECEIVER." Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined  
8 term but the request seeks "documents".

9 Subject thereto and without waiving the foregoing objections, responding party respond as  
10 follows: Records kept by responding party relating to the Debtors' properties are located in file  
11 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
12 permit requesting party access to the file drawers during regular business hours and at times agreed  
13 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
14 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
15 frames (all selected by responding party) and will produce such non-privileged responsive docu-  
16 ments as fixed images.

17 **REQUEST FOR PRODUCTION NO. 3:**

18 Any and all documents PERTAINING to fees paid by or on behalf of the Debtors for permits  
19 issued by the CITY for works of improvement on the NUISANCE PROPERTIES.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

21 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
22 The request is overbroad in time in so far as it has no temporal limitation. Furthermore, it is vague  
23 and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "documents".

24 Subject thereto and without waiving the foregoing objections, responding party respond as  
25 follows: Records kept by responding party relating to the Debtors' properties are located in file  
26 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
27 permit requesting party access to the file drawers during regular business hours and at times agreed  
28

1 and BRIAN ISSA PERTAINING TO any one or more of the NUISANCE PROPERTIES from and  
2 after appointment of the RECEIVER.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

4       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
5 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
6 “DOCUMENTS” is a defined term but the request seeks “documents”. The request is so broad that  
7 it may impermissibly seek attorney client privileged communication or attorney work product and  
8 responding party interprets the request so as not to seek such documents. The categories of docu-  
9 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
10 ing the foregoing objections, responding party respond as follows: Records kept by responding  
11 party relating to the Debtors’ properties are located in file drawers at City Hall that will be identified  
12 to the interrogating party. Responding party agrees to permit requesting party access to the file  
13 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
14 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
15 custodians using reasonable search terms and reasonable time frames (all selected by responding  
16 party) and will produce such non-privileged responsive documents as fixed images.

17 **REQUEST FOR PRODUCTION NO. 6:**

18       Any and all documents, including notes, memoranda, text messages, and electronic messages  
19 and COMMUNICATIONS of any kind, between BRIAN GERVING and any agent, employee or  
20 officer of the police department of the CITY PERTAINING TO any one or more of the NUISANCE  
21 PROPERTIES from and after appointment of the RECEIVER.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

23       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
24 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
25 “DOCUMENTS” is a defined term but the request seeks “documents”. The request is so broad that  
26 it may impermissibly seek attorney client privileged communication or attorney work product and  
27 responding party interprets the request so as not to seek such documents. The categories of docu-  
28

1 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
2 ing the foregoing objections, responding party respond as follows: Records kept by responding  
3 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
4 to the interrogating party. Responding party agrees to permit requesting party access to the file  
5 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
6 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
7 custodians using reasonable search terms and reasonable time frames (all selected by responding  
8 party) and will produce such non-privileged responsive documents as fixed images.

9 **REQUEST FOR PRODUCTION NO. 7:**

10 Any and all documents, including notes, memoranda, text messages, and electronic messages  
11 and COMMUNICATIONS of any kind, between BRIAN ISSA and any agent, employee or officer  
12 of the police department of the CITY PERTAINING TO any one or more of the NUISANCE PROP-  
13 ERTIES from and after appointment of the RECEIVER.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

15 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
16 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
17 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
18 it may impermissibly seek attorney client privileged communication or attorney work product and  
19 responding party interprets the request so as not to seek such documents. The categories of docu-  
20 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
21 ing the foregoing objections, responding party respond as follows: Records kept by responding  
22 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
23 to the interrogating party. Responding party agrees to permit requesting party access to the file  
24 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
25 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
26 custodians using reasonable search terms and reasonable time frames (all selected by responding  
27 party) and will produce such non-privileged responsive documents as fixed images.

1 **REQUEST FOR PRODUCTION NO. 8:**

2 Any and all documents, including notes, memoranda, text messages, and electronic messages  
3 and COMMUNICATIONS of any kind, between BRIAN GERVING and any agent, employee or  
4 officer of the police department of the CITY PERTAINING TO any one or more of the NUISANCE  
5 PROPERTIES from and after appointment of the RECEIVER.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

7 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
8 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
9 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
10 it may impermissibly seek attorney client privileged communication or attorney work product and  
11 responding party interprets the request so as not to seek such documents. The categories of docu-  
12 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
13 ing the foregoing objections, responding party respond as follows: Records kept by responding  
14 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
15 to the interrogating party. Responding party agrees to permit requesting party access to the file  
16 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
17 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
18 custodians using reasonable search terms and reasonable time frames (all selected by responding  
19 party) and will produce such non-privileged responsive documents as fixed images.

20 **REQUEST FOR PRODUCTION NO. 9:**

21 Any and all documents, including notes, memoranda, text messages, and electronic messages  
22 and COMMUNICATIONS of any kind, between any agent, officer or employee of the building de-  
23 partment of the CITY and any agent, employee or officer of the public health department of the  
24 CITY PERTAINING TO any one or more of the NUISANCE PROPERTIES from and after appoint-  
25 ment of the RECEIVER.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

27 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
28 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as



1 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
2 it may impermissibly seek attorney client privileged communication or attorney work product and  
3 responding party interprets the request so as not to seek such documents. The categories of docu-  
4 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
5 ing the foregoing objections, responding party respond as follows: Records kept by responding  
6 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
7 to the interrogating party. Responding party agrees to permit requesting party access to the file  
8 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
9 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
10 custodians using reasonable search terms and reasonable time frames (all selected by responding  
11 party) and will produce such non-privileged responsive documents as fixed images.

12 **REQUEST FOR PRODUCTION NO. 10:**

13 Any and all notices, directives or other writing posted by the CITY on any one or more of the  
14 NUISANCE PROPERTIES PERTAINING TO shutting off CITY water to any one of the NUI-  
15 SANCE PROPERTIES from and after appointment of the RECEIVER.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

17 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
18 The request is overbroad in time in so far as it seeks documents "from and after the appointment of  
19 the RECEIVER." Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined  
20 term but the request seeks "documents".

21 Subject thereto and without waiving the foregoing objections, responding party respond as  
22 follows: Records kept by responding party relating to the Debtors' properties are located in file  
23 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
24 permit requesting party access to the file drawers during regular business hours and at times agreed  
25 to by the parties.

26 **REQUEST FOR PRODUCTION NO. 11:**

27 Any and all documents, including notes, memoranda, text messages, and electronic messages  
28 of any kind, between any agent, officer or employee of the building department of the CITY and any

1 agent, employee or officer of the water department of the CITY PERTAINING TO any one or more  
2 of the NUISANCE PROPERTIES from and after appointment of the RECEIVER.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

4       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
5 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
6 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
7 it may impermissibly seek attorney client privileged communication or attorney work product and  
8 responding party interprets the request so as not to seek such documents. The categories of docu-  
9 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
10 ing the foregoing objections, responding party respond as follows: Records kept by responding  
11 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
12 to the interrogating party. Responding party agrees to permit requesting party access to the file  
13 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
14 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
15 custodians using reasonable search terms and reasonable time frames (all selected by responding  
16 party) and will produce such non-privileged responsive documents as fixed images.

17 **REQUEST FOR PRODUCTION NO. 12:**

18       Any and all notices, directives, warnings or other documents provided to an one or more ten-  
19 ants of the NUISANCE PROPERTIES by the CITY from and after appointment of the RECEIVER.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

21       Objection. The request is vague and ambiguous as to the phrase "to an or more". Subject  
22 thereto and without waiving the foregoing objections, responding party respond as follows: Records  
23 kept by responding party relating to the Debtors' properties are located in file drawers at City Hall  
24 that will be identified to the interrogating party. Responding party agrees to permit requesting party  
25 access to the file drawers during regular business hours and at times agreed to by the parties.



1 **REQUEST FOR PRODUCTION NO. 13:**

2 Any and all notices, directives or other writing posted by the CITY on any one or more of the  
3 NUISANCE PROPERTIES PERTAINING TO shutting off CITY water to any one of the NUI-  
4 SANCE PROPERTIES from and after commencement of the within case.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

6 Subject thereto and without waiving the foregoing objections, responding party respond as  
7 follows: Records kept by responding party relating to the Debtors' properties are located in file  
8 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
9 permit requesting party access to the file drawers during regular business hours and at times agreed  
10 to by the parties.

11 **REQUEST FOR PRODUCTION NO. 14:**

12 Any and all writings provided by the CITY, its officers or agents to tenants of 833 H Street,  
13 Eureka at any time from and after the commencement of the within case.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

15 Objection to the extent the request violates the privacy rights of any tenants at 833 H Street.  
16 Subject thereto and without waiving the foregoing objections, responding party respond as follows:  
17 Records kept by responding party relating to the Debtors' properties are located in file drawers at  
18 City Hall that will be identified to the interrogating party. Responding party agrees to permit re-  
19 questing party access to the file drawers during regular business hours and at times agreed to by the  
20 parties.

21 **REQUEST FOR PRODUCTION NO. 15:**

22 Any and all communications, written or electronic, or memorandums of such communica-  
23 tions between any agent or employee of the CITY and an A N Electrician.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

25 Objection. The request is overbroad and overburdensome because it is: not limited in time,  
26 not limited in scope (e.g., not limited to the Debtors' real properties), and not limited by custodian,  
27 instead seeking documents for any employee of responding party.  
28

1 **REQUEST FOR PRODUCTION NO. 16:**

2 Any and all documents referenced in YOUR answers to the accompanying Interrogatories.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
5 Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the re-  
6 quest seeks "documents". All documents referenced in responding party's interrogatory responses  
7 were filed in the Bankruptcy Court.

8 **REQUEST FOR PRODUCTION NO. 17:**

9 Any and all documents referenced in YOUR responses to the accompanying Requests for  
10 Admission.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

12 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
13 Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the re-  
14 quest seeks "documents". All documents referenced in responding party's interrogatory responses  
15 were filed in the Bankruptcy Court and are equally available to the requesting party.

16 **REQUEST FOR PRODUCTION NO. 18:**

17 Any and all photographs, films, diagrams, maps, charts, graphs or other illustrative writings  
18 or documents which YOU intend to utilize as an aid and/or offer into evidence at the hearing on the  
19 MOTION.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

21 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents.  
22 Furthermore, it is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the re-  
23 quest seeks "documents". The request also impermissibly seeks attorney work product. Responding  
24 party presently intends to introduce on direct only those materials previously filed with the Bank-  
25 ruptcy Court, which materials are equally available to the requesting party.

1 **REQUEST FOR PRODUCTION NO. 19:**

2 Any and all documents, including notes, memoranda, text messages, and electronic messages  
3 of any kind, between any agent, officer or employee of the CITY and the RECEIVER PERTAIN-  
4 ING TO any one or more of the NUISANCE PROPERTIES from and after appointment of the RE-  
5 CEIVER.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

7 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
8 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
9 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
10 and not limited by custodian, instead seeking documents for any employee of responding party.

11 Subject thereto and without waiving the foregoing objections, responding party respond as  
12 follows: Records kept by responding party relating to the Debtors' properties are located in file  
13 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
14 permit requesting party access to the file drawers during regular business hours and at times agreed  
15 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
16 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
17 frames (all selected by responding party) (all selected by responding party) and will produce such  
18 non-privileged responsive documents as fixed images.

19 **REQUEST FOR PRODUCTION NO. 20:**

20 Any and all documents, including notes, memoranda, text messages, and electronic messages  
21 of any kind, between any agent, officer or employee of the CITY and MARK ADAMS PERTAIN-  
22 ING TO any one or more of the NUISANCE PROPERTIES from and after appointment of the RE-  
23 CEIVER.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

25 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
26 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
27 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
28 and not limited by custodian, instead seeking documents for any employee of responding party.

1 Subject thereto and without waiving the foregoing objections, responding party respond as  
2 follows: Records kept by responding party relating to the Debtors' properties are located in file  
3 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
4 permit requesting party access to the file drawers during regular business hours and at times agreed  
5 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
6 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
7 frames (all selected by responding party) (all selected by responding party) and will produce such  
8 non-privileged responsive documents as fixed images.

9 **REQUEST FOR PRODUCTION NO. 21:**

10 Any and all documents, including notes, memoranda, text messages, and electronic messages  
11 of any kind, between any agent, officer or employee of the CITY and the CALIFORNIA RE-  
12 CEIVER GROUP, its officers, agents and/or attorneys PERTAINING TO any one or more of the  
13 NUISANCE PROPERTIES from and after appointment of the RECEIVER.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

15 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
16 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
17 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
18 and not limited by custodian, instead seeking documents for any employee of responding party.

19 Subject thereto and without waiving the foregoing objections, responding party respond as  
20 follows: Records kept by responding party relating to the Debtors' properties are located in file  
21 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
22 permit requesting party access to the file drawers during regular business hours and at times agreed  
23 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
24 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
25 frames (all selected by responding party) (all selected by responding party) and will produce such  
26 non-privileged responsive documents as fixed images.

1 **REQUEST FOR PRODUCTION NO. 22:**

2 Any and all documents, including notes, memoranda, text messages, and electronic messages  
3 of any kind, between any agent, officer or employee of the CITY and the CALIFORNIA RE-  
4 CEIVER GROUP, its officers, agents and/or attorneys PERTAINING TO foreclosure by MARK  
5 ADAMS and/or the CALIFORNIA RECEIVER GROUP, its agents or attorneys upon any one or  
6 more of the NUISANCE PROPERTIES.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

8 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
9 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
10 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
11 and not limited by custodian, instead seeking documents for any employee of responding party.

12 Subject thereto and without waiving the foregoing objections, responding party respond as  
13 follows: Records kept by responding party relating to the Debtors' properties are located in file  
14 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
15 permit requesting party access to the file drawers during regular business hours and at times agreed  
16 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
17 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
18 frames (all selected by responding party) (all selected by responding party) and will produce such  
19 non-privileged responsive documents as fixed images.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 Any and all documents, including notes, memoranda, text messages, or electronic messages  
22 PERTAINING TO removal of the RECEIVER.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

24 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
25 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
26 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
27 and not limited by custodian, instead seeking documents for any employee of responding party. Fur-  
28 thermore, the request may impermissibly seek attorney client privileged communication or attorney

1 work product and responding party interprets the request so as not to seek such documents. All doc-  
2 uments filed in connection with the receivership disqualification motion are available to propound-  
3 ing party.

4 Subject thereto and without waiving the foregoing objections, responding party respond as  
5 follows: Records kept by responding party relating to the Debtors' properties are located in file  
6 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
7 permit requesting party access to the file drawers during regular business hours and at times agreed  
8 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
9 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
10 frames (all selected by responding party) and will produce such non-privileged responsive docu-  
11 ments as fixed images.

12 **REQUEST FOR PRODUCTION NO. 24:**

13 Any and all documents, including notes, memoranda, text messages, or electronic messages  
14 PERTAINING TO preventing the DEBTORS from owning property within the City limits of Eu-  
15 reka, California.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

17 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
18 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
19 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
20 and not limited by custodian, instead seeking documents for any employee of responding party. Fur-  
21 thermore, the request may impermissibly seek attorney client privileged communication or attorney  
22 work product and responding party interprets the request so as not to seek such documents.

23 Responding party does not believe that any such responsive documents exist.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 Any and all documents, including notes, memoranda, text messages, or electronic messages  
26 PERTAINING TO divesting the DEBTORS of ownership of the NUISANCE PROPERTIES or any  
27 other property.

28 ///



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

2       Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
3 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
4 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
5 and not limited by custodian, instead seeking documents for any employee of responding party. Fur-  
6 thermore, the request may impermissibly seek attorney client privileged communication or attorney  
7 work product and responding party interprets the request so as not to seek such documents. In abun-  
8 dant of caution, responding party identifies all of the pleadings filed in support of the Motion, in-  
9 cluding without limitation Docs. 59, 60, 62, 63, 66, 101, 102, 103, 113, 114, 116, 123, 124, 131, and  
10 136 which are equally available to Debtors.

11       Subject thereto and without waiving the foregoing objections, responding party respond as  
12 follows: Records kept by responding party relating to the Debtors' properties are located in file  
13 drawers at City Hall that will be identified to the interrogating party. Responding party agrees to  
14 permit requesting party access to the file drawers during regular business hours and at times agreed  
15 to by the parties. To the extent this request encompasses email, responding party will conduct a rea-  
16 sonable search of a reasonable set of custodians using reasonable search terms and reasonable time  
17 frames (all selected by responding party) and will produce such non-privileged responsive docu-  
18 ments as fixed images.

19 **REQUEST FOR PRODUCTION NO. 26:**

20       Any and all documents PERTAINING TO the objectives of the CITY relating to the NUI-  
21 SANCE PROPERTIES.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

23       Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
24 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
25 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
26 and not limited by custodian. The request is vague and ambiguous as to "objectives" relating to the  
27 Debtors' properties. The request is not relevant to the issues raised by the Motion. Furthermore, the  
28

1 request may impermissibly seek attorney client privileged communication or attorney work product  
2 and responding party interprets the request so as not to seek such documents.

3 Without waiving the foregoing objections and reserving them to the fullest, responding party  
4 identifies all of the pleadings filed in support of the Motion, including without limitation Docs. 59,  
5 60, 62, 63, 66, 101, 102, 103, 113, 114, 116, 123, 124, 131, and 136 which are equally available to  
6 Debtors. Responding party's objective in filing the Motion is to appoint a chapter 11 trustee.

7 **REQUEST FOR PRODUCTION NO. 27:**

8 Any and all documents PERTAINING TO the objectives of the CITY relating to the DEBT-  
9 ORS.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

11 Objection. The request is overbroad in scope in so far as it seeks "any and all" documents. It  
12 is vague and ambiguous in so far as "DOCUMENTS" is a defined term but the request seeks "docu-  
13 ments". The request is overbroad and overburdensome because it is: not reasonably limited in time  
14 and not limited by custodian. The request is vague and ambiguous as to "objectives" relating to the  
15 Debtors. The request is not relevant to the issues raised by the Motion. Furthermore, the request  
16 may impermissibly seek attorney client privileged communication or attorney work product and re-  
17 sponding party interprets the request so as not to seek such documents.

18 Without waiving the foregoing objections and reserving them to the fullest, responding party  
19 identifies all of the pleadings filed in support of the Motion, including without limitation Docs. 59,  
20 60, 62, 63, 66, 101, 102, 103, 113, 114, 116, 123, 124, 131, and 136 which are equally available to  
21 Debtors. Responding party's objective in filing the Motion is to appoint a chapter 11 trustee.

22 **REQUEST FOR PRODUCTION NO. 28:**

23 Any and all documents, including notes, memoranda, text messages, and electronic messages  
24 and COMMUNICATIONS of any kind, between MATTHEW MORGAN and BRIAN ISSA PER-  
25 TAINING TO any one or more of the NUISANCE PROPERTIES from and after appointment of the  
26 RECEIVER.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

2       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
3 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
4 “DOCUMENTS” is a defined term but the request seeks “documents”. The request is so broad that  
5 it may impermissibly seek attorney client privileged communication or attorney work product and  
6 responding party interprets the request so as not to seek such documents. The categories of docu-  
7 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
8 ing the foregoing objections, responding party respond as follows: Records kept by responding  
9 party relating to the Debtors’ properties are located in file drawers at City Hall that will be identified  
10 to the interrogating party. Responding party agrees to permit requesting party access to the file  
11 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
12 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
13 custodians using reasonable search terms and reasonable time frames (all selected by responding  
14 party) and will produce such non-privileged responsive documents as fixed images.

15 **REQUEST FOR PRODUCTION NO. 29:**

16       Any and all documents, including notes, memoranda, text messages, and electronic messages  
17 and COMMUNICATIONS of any kind, between any employee of the CITY Building Department  
18 and MATTHEW MORGAN PERTAINING TO any one or more of the NUISANCE PROPERTIES  
19 from and after appointment of the RECEIVER.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

21       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
22 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
23 “DOCUMENTS” is a defined term but the request seeks “documents”. The request is so broad that  
24 it may impermissibly seek attorney client privileged communication or attorney work product and  
25 responding party interprets the request so as not to seek such documents. The categories of docu-  
26 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
27 ing the foregoing objections, responding party respond as follows: Records kept by responding  
28 party relating to the Debtors’ properties are located in file drawers at City Hall that will be identified

1 to the interrogating party. Responding party agrees to permit requesting party access to the file  
2 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
3 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
4 custodians using reasonable search terms and reasonable time frames (all selected by responding  
5 party) and will produce such non-privileged responsive documents as fixed images.

6 **REQUEST FOR PRODUCTION NO. 30:**

7 Any and all documents, including notes, memoranda, text messages, and electronic messages  
8 and COMMUNICATIONS of any kind, between MATTHEW MORGAN and any agent, employee  
9 or officer of the police department of the CITY PERTAINING TO any one or more of the NUI-  
10 SANCE PROPERTIES from and after appointment of the RECEIVER.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

12 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
13 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
14 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
15 it may impermissibly seek attorney client privileged communication or attorney work product and  
16 responding party interprets the request so as not to seek such documents. The categories of docu-  
17 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
18 ing the foregoing objections, responding party respond as follows: Records kept by responding  
19 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
20 to the interrogating party. Responding party agrees to permit requesting party access to the file  
21 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
22 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
23 custodians using reasonable search terms and reasonable time frames (all selected by responding  
24 party) and will produce such non-privileged responsive documents as fixed images.

25 **REQUEST FOR PRODUCTION NO. 31:**

26 Any and all documents, including notes, memoranda, text messages, and electronic messages  
27 and COMMUNICATIONS of any kind, between MATTHEW MORGAN and any agent, employee  
28

1 or officer of the police department of the CITY PERTAINING TO any one or more of the NUI-  
2 SANCE PROPERTIES from and after appointment of the RECEIVER.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

4       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
5 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
6 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
7 it may impermissibly seek attorney client privileged communication or attorney work product and  
8 responding party interprets the request so as not to seek such documents. The categories of docu-  
9 ments sought are not relevant to the issues raised by the Motion. Subject thereto and without waiv-  
10 ing the foregoing objections, responding party respond as follows: Records kept by responding  
11 party relating to the Debtors' properties are located in file drawers at City Hall that will be identified  
12 to the interrogating party. Responding party agrees to permit requesting party access to the file  
13 drawers during regular business hours and at times agreed to by the parties. To the extent this re-  
14 quest encompasses email, responding party will conduct a reasonable search of a reasonable set of  
15 custodians using reasonable search terms and reasonable time frames (all selected by responding  
16 party) and will produce such non-privileged responsive documents as fixed images.

17 **REQUEST FOR PRODUCTION NO. 32:**

18       Any and all documents, including notes, memoranda, text messages, and electronic messages  
19 and COMMUNICATIONS of any kind, between CINDY DAY-WILSON and any agent, employee  
20 or officer of the police department of the CITY PERTAINING TO any one or more of the NUI-  
21 SANCE PROPERTIES from and after appointment of the RECEIVER.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

23       Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
24 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
25 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
26 it may impermissibly seek attorney client privileged communication or attorney work product and  
27 responding party interprets the request so as not to seek such documents. The categories of docu-  
28 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly

1 call for privileged communications/attorney work product and as a result no such documents will be  
2 produced.

3 **REQUEST FOR PRODUCTION NO. 33:**

4 Any and all documents, including notes, memoranda, text messages, and electronic messages  
5 and COMMUNICATIONS of any kind, between CINDY DAY-WILSON and BRIAN ISSA PER-  
6 TAINING TO any one or more of the NUISANCE PROPERTIES from and after appointment of the  
7 RECEIVER.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

9 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
10 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
11 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
12 it may impermissibly seek attorney client privileged communication or attorney work product and  
13 responding party interprets the request so as not to seek such documents. The categories of docu-  
14 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly  
15 call for privileged communications/attorney work product and as a result no such documents will be  
16 produced.

17 **REQUEST FOR PRODUCTION NO. 34:**

18 Any and all documents, including notes, memoranda, text messages, and electronic messages  
19 and COMMUNICATIONS of any kind, between any employee of the CITY Building Department  
20 and CINDY DAY-WILSON PERTAINING TO any one or more of the NUISANCE PROPERTIES  
21 from and after appointment of the RECEIVER.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

23 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
24 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
25 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
26 it may impermissibly seek attorney client privileged communication or attorney work product and  
27 responding party interprets the request so as not to seek such documents. The categories of docu-  
28 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly



1 call for privileged communications/attorney work product and as a result no such documents will be  
2 produced.

3 **REQUEST FOR PRODUCTION NO. 35:**

4 Any and all documents, including notes, memoranda, text messages, and electronic messages  
5 and COMMUNICATIONS of any kind, between BRIAN GERVING and CINDY DAY-WILSON  
6 PERTAINING TO any one or more of the NUISANCE PROPERTIES from and after appointment  
7 of the RECEIVER.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

9 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
10 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
11 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
12 it may impermissibly seek attorney client privileged communication or attorney work product and  
13 responding party interprets the request so as not to seek such documents. The categories of docu-  
14 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly  
15 call for privileged communications/attorney work product and as a result no such documents will be  
16 produced.

17 **REQUEST FOR PRODUCTION NO. 36:**

18 Any and all documents, including notes, memoranda, text messages, and electronic messages  
19 and COMMUNICATIONS of any kind, between MATTHEW MORGAN and CINDY DAY-WIL-  
20 SON PERTAINING TO any one or more of the NUISANCE PROPERTIES from and after appoint-  
21 ment of the RECEIVER.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

23 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
24 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
25 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
26 it may impermissibly seek attorney client privileged communication or attorney work product and  
27 responding party interprets the request so as not to seek such documents. The categories of docu-  
28 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly

1 call for privileged communications/attorney work product and as a result no such documents will be  
2 produced.

3 **REQUEST FOR PRODUCTION NO. 37:**

4 Any and all documents, including notes, memoranda, text messages, and electronic messages  
5 and COMMUNICATIONS of any kind, between CINDY DAY-WILSON and the RECEIVER PER-  
6 TAINING TO any one or more of the NUISANCE PROPERTIES from and after appointment of the  
7 RECEIVER.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

9 Objection. The request is overbroad, burdensome, and oppressive. It is unreasonable in  
10 scope. It contains an unreasonable time period. Furthermore, it is vague and ambiguous in so far as  
11 "DOCUMENTS" is a defined term but the request seeks "documents". The request is so broad that  
12 it may impermissibly seek attorney client privileged communication or attorney work product and  
13 responding party interprets the request so as not to seek such documents. The categories of docu-  
14 ments sought are not relevant to the issues raised by the Motion. The request appears to explicitly  
15 call for privileged communications/attorney work product and as a result no such documents will be  
16 produced.

17 **REQUEST FOR PRODUCTION NO. 38:**

18 Any and all documents, pleadings, declarations, affidavits, exhibits, photographs PERTAIN-  
19 ING TO the CITY attempts to obtain and obtaining inspection warrants PERTAINING TO the NUI-  
20 SANCE PROPERTIES.

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**PROOF OF SERVICE**

I am over the age of eighteen years of age, not a party to this action, and employed in the City and County of San Francisco at the law offices of Fox Rothschild LLP, 345 California Street, Suite 2200, San Francisco, California 94104.

On March 19, 2018, I served City of Eureka's Responses to Debtors' Request for Production, Set One by placing a true and correct copy in a sealed envelope, with postage prepaid, to be deposited with the United States Postal Service on this day following ordinary business practices addressed to opposing counsel at the office address as last given, as follows:

David N. Chandler, Sr., Esq.  
David N. Chandler, Jr., Esq.  
David N. Chandler, p.c.  
1747 Fourth Street  
Santa Rosa, California 95404  
Attorneys for Debtors Floyd E. Squires III  
and Betty J. Squires

Jared A. Day, Esq.  
Office of the United States Trustee  
450 Golden Gate Avenue, Room 5-0153  
San Francisco, California 94102

Cyndy Day-Wilson  
City Attorney, Eureka  
531 K Street  
Eureka, CA 95551

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 19, 2018 at San Francisco, California.

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Sarah C. Willis